

## **Exhibit "5"**

## Kerry Culpepper

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**From:** Angela B. Kennedy <akennedy@atllp.com>  
**Sent:** Wednesday, October 26, 2022 9:04 AM  
**To:** kculpepper culpepperip.com; joey@dovel.com; greg@dovel.com  
**Cc:** Zachary C. Howenstine; Richard L. Brophy; Hannah Hope; 'Jacqueline Altman'; Kyle G. Gottuso  
**Subject:** After II Movie, LLC v. Grande, 21-cv-709 - Grande's Responses and Objections to Plaintiffs' First Set of RFPs [IWOV-IDOCS.FID4036765]

Kerry,

This email serves to memorialize our discussion during last week's meet and confer.

With respect to Grande's deficiency concerns, Plaintiffs have agreed to the following:

- Plaintiffs will continue to produce documents on a rolling basis. Specifically:
  - Plaintiffs plan to provide copies of movies that were purportedly downloaded from Grande's users, as well as movies that MEU's "agents" purportedly used to compare to the downloaded movies
  - Plaintiffs plan to provide documents to identify MEU's agent(s) and any material used or created by the agents to determine if an infringement occurred
  - Plaintiffs plan to provide communications with MEU
    - Plaintiffs will get back to us regarding whether there are communications between Plaintiffs' representatives (such as legal counsel) and MEU and whether those communications are being withheld or will be produced
- Plaintiffs will re-investigate their documents with the understanding that the "rights enforcement data" requested refers to the agreement between MEU and Plaintiffs
- Plaintiffs will re-investigate their documents and will produce any documents showing or describing MEU's monitoring capabilities or functions, such as any marketing materials from MEU or other documents explaining MEU's capabilities
- Plaintiffs will consider and discuss Rog No. 9 and RFP Nos. 61-63 and get back to Defendants
- Plaintiffs will consider and discuss Rog Nos. 12 and 15 and get back to Defendants
- Plaintiffs will prepare a privilege log for privileged documents
- Plaintiffs will facilitate the deposition of Mr. Arheidt

With respect to Plaintiffs' deficiency concerns, Grande has agreed to the following:

- Grande agreed to provide the date that it gave the Record Labels notice of Plaintiffs' requests.
  - **That date is Oct. 3, 2022.**
- Grande agreed to investigate its position with regard to the relevance of documents prior to April 17, 2020.
  - **That investigation is ongoing.**
- Grande agreed to investigate its position with regard to the statute of limitations issue.
  - **That investigation is ongoing.**
- Grande agreed to investigate its documents in response to RFP No. 1 using the names specified in the request.
  - **That investigation is ongoing.**
- Grande agreed to investigate its documents in response to RFP No. 2, with the understanding that Plaintiffs simply want to know what services were provided to the specified IP address, when it started, when it ended, and monthly payment information.
  - **That investigation is ongoing.**

Grande stands on its relevance objections to producing the materials from the UMG case. It also stands on its objection that disclosure of these materials would violate the protective order in that case. Nevertheless, Grande is searching for documents otherwise responsive to Plaintiffs' requests and plans to produce these documents as soon as practicable.

Best regards,

Angela



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